

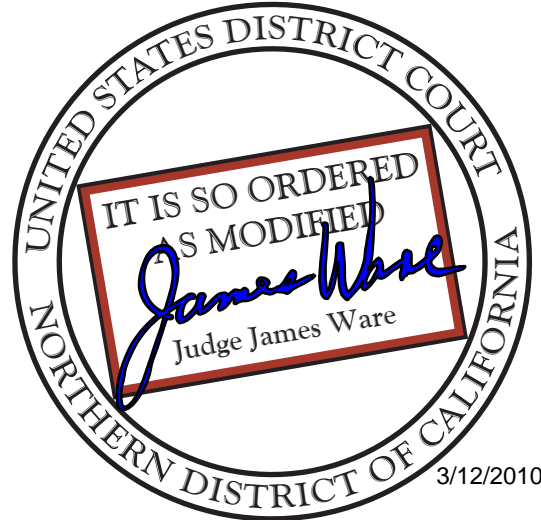
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | No. CR 09-01119 JW |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED <i>James Ware</i> |
| |) | ORDER TO CONTINUE STATUS |
| v. |) | HEARING AND TO EXCLUDE TIME |
| |) | FROM MARCH 22, 2010 THROUGH |
| SUSAN NAHAPETIAN |) | MAY 10, 2010, FROM THE SPEEDY |
| |) | TRIAL ACT CALCULATION (18 U.S.C. § |
| |) | 3161(h)(7)(A),(B)) |
| Defendant. |) | |

On February 4, 2010, the parties appeared for an initial appearance and arraignment in the above-cited case. At that time, upon the recommendation of the government, the magistrate judge set the matter for a status hearing on March 22, 2010, to allow defense counsel a reasonable period of time to receive and review the ample discovery in this case. The parties stipulated to an exclusion of time under the Speedy Trial Act to allow counsel for defendant reasonable time for effective preparation. Substantial discovery has been provided to counsel. The government is in the process of providing more discovery to counsel. Counsel for all defendants in the case have agreed to request the Court to continue the hearing until **May 10, 2010** to allow for full discovery to be provided and for an opportunity for counsel to review said

1 discovery.

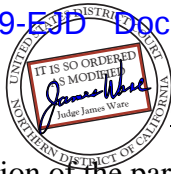
2 The United States hereby submits this written request for an order finding that said time
3 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, in that the ends of justice are served
4 by taking such action and outweigh the best interests of the public and defendant in a speedy
5 trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would
6 unreasonably deny counsel for defendant the reasonable time necessary for effective preparation,
7 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

8
9 DATED: March 9, 2010

JOSEPH P. RUSSONIELLO
United States Attorney

10
11 _____/s/_____
EUMI L. CHOI
12 Assistant United States Attorney


13
14 _____/s/_____
GEORGE MGDESYAN, ESQ.
15 Counsel for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between March 22, 2010 through **May 24, 2010** is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). Further, the failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: March 12, 2010



JAMES WARE
UNITED STATES DISTRICT COURT JUDGE